

# Notice of Allowability

Application No.

09/726,272

Examiner

Calvin L. Hewitt II

Applicant(s)

DUTTA, RABINDRANATH

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 21 December 2005.
2. ☒ The allowed claim(s) is/are 38-48, 50-60 and 62-72.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Status of Claims***

1. Claims 38-48, 50-60 and 62-72 have been examined.
2. Claims 38-48, 50-60 and 62-72 are allowed.

***Reasons for Allowance***

3. The instant invention is directed to digital content distribution. Prior art content distribution systems are old and well-known. Ginter et al. (US 5,892,900) disclose a method and system for securely distributing digital content ('900, figures 1 and 79-84). Gillett et al. (US 6,760,711) teach a third party logging server that stores content from multiple merchants and allows customers to purchase digital content from said server ('711, figure 1; column 2, lines 23-44; column/line 2/65-3/10). Neither Ginter et al. nor Gillett et al., however, teach a third party logging server receiving a product sale request from a merchant. Pettitt (US 5,864,620) teaches a multi-tier distribution scheme comprising a provider, third party server, merchant, and customer ('620, abstract; figure 2; column 1, lines 12-31 and 47-63; column 3, lines 28-35) wherein the third party server receives a product sale request from a merchant. However, the present invention is distinguished from the prior art as the closest prior art of Pettitt, in

view of the digital receipt teaching of Robinson et al. (US 5,915,022) (BPAI, Decision on Appeal, dated 9-22-05, pages 8 and 9), did not teach or fairly suggest registering a merchant at a third party logging server where the registration includes an agreement with the merchant regarding use of the digital works and payment for receipt of the digital works, wherein the registration occurs before the receiving, transmitting, and recording steps performed by the third party logging server.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
  - "MP3.com and I-drive.com join forces to store and manage MP3 files", PR Newswire, p 1236, Oct 6, 1999
  - Yoshioka et al. teach a method and system for distributing proceeds from sales of digital content
5. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
c/o Technology Center 3600  
Washington, D.C. 20231

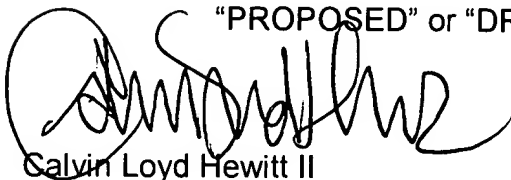
or faxed to:

(571) 273-8300 (for formal communications intended for entry and after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

A handwritten signature in black ink, appearing to read "Calvin Hewitt II", is written over the printed name.

Calvin Loyd Hewitt II

February 3, 2006